Number 9 Original

OCT 12 19
E. ROBERT SEAVER,

In the Supreme Court of the United States

OCTOBER TERM, 1971

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF LOUISIANA, ET AL.

Supplemental Alternative Motion of the State of Louisiana for Leave to file Response to the United States' Motion for Entry of Supplemental Decree as to the State of Louisiana (No. 3) One Hundred Twenty Days after the Report of the Special Master and for Oral Argument

JACK P. F. GREMILLION,
Attorney General.

PAUL M. HEBERT,
VICTOR A. SACHSE,
OLIVER P. STOCKWELL,
FREDEDICK W. ELLIS,
WILLIAM E. SHADDOCK,
W. THOMAS TETE,
Special Assistant Attorneys General.

State of Louisiana,
State Capitol,
Baton Rouge, Louisiana 70804.

INDEX

PAGE

Supplemental Alternative Motion of Louisiana 1

Appendix A, Copy of Receipt of Clerk of Supreme Court for Louisiana Objection 5

Appendix B, Copy of Letter of Louisiana Counsel to Clerk of Supreme Court, May 19, 1971 6

Appendix C, Copy of Letter of Louisiana Counsel to Clerk of Supreme Court, August 27, 1971 8

Appendix D, Copy of Letter of Louisiana Counsel to Deputy Clerk of Supreme Court, October 5, 1971 11

Number 9 Original

In the Supreme Court of the United States

OCTOBER TERM, 1971

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF LOUISIANA, ET AL.

Supplemental Alternative Motion of the State of Louisiana for Leave to file Response to the United States' Motion for Entry of Supplemental Decree as to the State of Louisiana (No. 3) One Hundred Twenty Days after the Report of the Special Master and for Oral Argument

---

The State of Louisiana, by the Attorney General, without waiving its prior objections to the Motion of the United States moves the Court as follows:

For leave to file response within one hundred twenty (120) days after the report of the Special Master, and for oral argument.

1. The State shows that in April 1971, the United States of America filed a Motion for a Supplemental Decree as to the State of Louisiana No. 3, in which it did not seek to apply the ordinary rules of the Court as to time for response but instead moved the Court

for an order "that the State of Louisiana be required to respond to this Motion within 60 days."

2. No order on such Motion has been rendered by the Court.

3. On May 19, 1971, the State by letter inquired of the Clerk of this Court "whether it could have through July 20, 1971, to file an opposition to the motion of the Government [United States of America], as distinguished from an opposition to the proposed decree, which Louisiana thinks would come later, and only if it is first determined that the motion of the Government should be considered prior to the report of the Special Master [appointed by the Court pursuant to its opinion of March 3, 1969, 394 US 11.]" Copy thereof was duly supplied to opposing counsel. A further copy is attached hereto.

4. In the absence of a reply, Louisiana filed on June 25, 1971, its objection of the State of Louisiana to the right of the United States at this time to file a motion for entry of supplemental decree as to the State of Louisiana in the alternative asking for additional time within which to respond to the motion of the United States, and a memorandum in support of its objection. Its alternative urged that "if the Court permits the filing of the motion, the time for Louisiana to respond should be extended until the Special Master in this case files his report and in no event less than one hundred twenty 120) days from the filing of the motion." This objection was duly served on opposing counsel and no response has been made thereto.

5. On August 27, 1971, counsel for Louisiana

again wrote to the Clerk of this Honorable Court reviewing the foregoing and stating:

> Louisiana would like to be assured that all that is before the Court at this time is Louisiana's objection to the timeliness of the motion [of the United States of America]. If the motion itself is to be considered on the merits, Louisiana would like to be assured that it will be afforded a proper opportunity to respond.

A copy was forwarded opposing counsel and another copy is attached hereto.

6. No response was received, perhaps because of the press of other matters or illness in the office of the Clerk. Counsel for Louisiana conferred with the Deputy Clerk of this Honorable Court. An understanding was reached that Louisiana would be given an opportunity to answer the United States' Motion if the Court should overrule Louisiana's objection. This understanding is reflected in the letter by counsel to the Deputy Clerk, a copy of which is attached.

7. The State shows that the Special Master, at the request of the litigants, has neither closed the record, nor received briefs from either party, nor fixed time for filing yet, nor heard argument.

8. The issues obliquely presented through the Motion of the United States involve national territory quoad the other nations of the world and through that means the domestic division of submerged lands between State and Nation, and should await full argument to the Court after report of the Sepcial Master.

9. The State is concerned that as of October 4, 1971, its objection and alternative motion for exten-

sion of time mentioned in paragraph 4 had not been placed on the docket of the Court even though timely filed with the Clerk, though hopefully it has now been properly docketed as the result of and following the conference between counsel for the State and the Deputy Clerk of this Honorable Court, as set forth in paragraph 6 hereof. The State believes the docketing was not accomplished because of illness and death in the office of the Clerk.

10. Even though its objection and alternative motion was timely filed the State is concerned that because of uncertainties respecting docketing and procedures, this matter so important to Louisiana and to the territory of the United States might be disposed of without needed argument and consideration of the full implications of all aspects of the Motion of the United States and without opportunity to consider relevant evidence, hence the State files this supplemenal motion and asks for appropriate orders.

Respectfully submitted,

JACK P. F. GREMILLION,
Attorney General.
PAUL M. HEBERT,
VICTOR A. SACHSE,
OLIVER P. STOCKWELL,
FREDEDICK W. ELLIS,
WILLIAM E. SHADDOCK,
W. THOMAS TETE,
Special Assistant Attorneys General.

By: /s/ Jack P. F. Gremillion
/s/ Paul M. Hebert
/s/ Victor A. Sachse